

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-cr-20034

Hon. Matthew F. Leitman

v.

ERRIC DEVOHN WATKINS

Defendant.

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**ORDER DENYING DEFENDANT'S REQUEST  
TO APPOINT COUNSEL (ECF Nos. 101)**

In 2016, this Court sentenced Defendant Erric Devohn Watkins to 180 months in custody in connection with his conviction for being a felon in possession of a firearm. (*See* Judgment, ECF No. 72.) In 2017, Watkins, filed a motion to vacate his sentence under 28 U.S.C. § 2255. (*See* Mot. to Vacate, ECF No. 73.) The Court denied that motion, and the Sixth Circuit affirmed that denial. (*See* Orders, ECF Nos. 95, 98.) Watkins has now requested that the Court appoint counsel for him so that counsel may present a claim for relief on his behalf under *Rehaif v United States*, 139 S.Ct. 2191 (2019). (*See* Letter Requesting Appointment of Counsel, ECF No. 101.)

The Court declines to appoint counsel at this time because the Court is not yet convinced that Watkins has a colorable claim under *Rehaif*. See *United States v. Hobbs*, 953 F.3d 853 (6th Cir. 2019); *United States v. Ward*, \_\_\_ F.3d \_\_\_, 2020 WL 2078983 (6th Cir., April 30, 2020). In addition, because Watkins has already filed a motion under 28 U.S.C. § 2255, it is not clear that he could seek relief under *Rehaif*. See 28 U.S.C. 2255(h).

Accordingly, Watkins' request for appointed counsel is **DENIED**. However, Watkins is not precluded from renewing his request for counsel. In any renewed request, Watkins shall demonstrate (1) how he has a colorable claim under *Rehaif* that warrants the appointment of counsel and (2) why he is not procedurally barred from presenting the claim. If Watkins can successfully make such a showing, the Court would consider appointing counsel for him.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 4, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 4, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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